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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,159	01/15/2002	C. Hudson Hendren III	06975-036002	9294

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EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 05/07/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/045,159

Applicant(s)

HENDREN, C. HUDSON

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This is in response to the Preliminary amendment filed on 1/15/2002. Claims 1-23 are canceled. New claims 24-43 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 24-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneider et al. US pat. No.6,105,027.

As to claim 24, Schneider discloses a method of providing information based on user comprehension characteristics of a user, the method comprising:

receiving data related to one or more comprehension characteristics of the user;  
selecting a message from a plurality of messages based upon the received data related to one or more comprehension characteristics (access information divided into five broad categories from database, see abstract, figs.2, 3, col.7 line 42 to col.8 line 58), wherein the plurality of messages include a first message that corresponds to a first data related to a first set of comprehension characteristics (user identification 313 fig.3) and a second message that corresponds to a second data related to a second set of

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comprehension characteristics (trust information) and providing the message (see col.8 line 59 to col.10 line 54 and col.11 line 54 to col.12 line 65).

As to claim 25, Schneider discloses that a first computer (client of fig.2) providing the message and transmitting the message to a second computer (server of fig.2) (see fig.2, col.7 line 42 to col.8 line 58)

As to claim 26, Schneider discloses that one or more comprehension characteristics comprise user technical proficiency (see col.15 line 31 to col.16 line 44).

As to claim 27, Schneider discloses that determining the one or more comprehension characteristics by inferring a level of user technical proficiency based upon the received data related to one or more comprehension characteristics of the user (see fig.5, col.17 line 45 to col.18 line 65 and col.21 line 15 to col.22 line 34).

As to claim 28, Schneider discloses that one or more comprehension characteristics comprise one or more preferred languages of the user (see fig.5, col.17 line 45 to col.18 line 65 and col.21 line 15 to col.22 line 34).

As to claim 29, Schneider discloses determining the one or more comprehension characteristics by inferring a preferred language of the user based upon the received

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data related to one or more comprehension characteristics of the user (i.e., using user 's define information sets, see fig.10, col.23 line 14 to col.24 line 67).

As to claim 30, Schneider discloses the message comprising at least one of the following: text, graphics, video, animation, sound and instructions (i.e., displaying information in windows, see col.23 line 14 to col.24 line 67).

As to claim 31, Schneider discloses the received data related to one or more comprehension characteristics provided by the user (see fig.10, col.23 line 14 to col.24 line 67).

As to claim 32, Schneider discloses the received data related to one or more comprehension characteristics is inferring by a computer based on user activity (see fig.10, col.21 line 15 to col.22 line 34 and col.23 line 14 to col.24 line 67).

As to claim 33, Schneider discloses the receiving of the data related to one or more comprehension characteristics is partially performed by retrieving the data related to one or more comprehension characteristics from a database (access control database) (see fig.10, col.21 line 15 to col.22 line 34 and col.23 line 14 to col.24 line 67).

As to claim 34, Schneider discloses receiving an HTTP (Hyper Text Transfer Protocol) indicator at the first computer in response to a user's HTTP request for a URL

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(Universal Resource Locator) provided by the second computer (see fig.3, col.3 line 32 to col.4 line 63 and col.8 line 59 to col.9 line 67).

As to claim 35, Schneider discloses an apparatus for providing a message based on user comprehension characteristics comprising:

a data receiver arranged and structured so as to receive data related to one or more comprehension characteristics of the user (access information divided into five broad categories from database, see abstract, figs.2, 3, col.7 line 42 to col.8 line 58).

a data store (206 fig.2) arranged and structured so as to store a plurality of messages wherein the plurality of messages include a first message that corresponds to a first data related to a first set of comprehension characteristics (user identification 313 fig.3), a second message that corresponds to a second data related to a second set of comprehension characteristics (Trust information) and a first computer that selects a message from the plurality of messages and provides the message (see col.8 line 59 to col.10 line 54 and col.11 line 54 to col.12 line 65).

Claims 36 and 37 are rejected for the same reasons set forth in claims 27 and 29 respectively.

Claim 38 is rejected for the same reasons set forth in claim 1. As to the added limitations, Schneider further discloses receiving an indicator (indication 311 fig.3) and providing the message to a computer (fig.3, col.8 line 59 to col.9 line 67).

Claims 39-41 are rejected for the same reasons set forth in claims 26, 28 and 31 respectively.

As to claims 42 and 43, Schneider further discloses the data related to one or more comprehension characteristics is inferred by a computer and the receiving of the data related to one or more comprehension characteristics is partially performed by retrieving the data related to one or more comprehension characteristics from the database (access control database) (see col.8 line 59 to col.9 line 67 and col.11 line 54 to col.12 line 65).

***Other prior art cited***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Shapiro et al., US Pat. No.5,991,810.
  - b. Cianfroca et al, US Pat. No.6,088,796.
  - c. Barros, US pat. No.6,307,573.
  - d. O'Toole et al., US pat. No.6,345,294.

***Conclusion***

5. Claims 24-43 are rejected.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is 703-308-8528. The examiner can normally be reached on 8:00 AM to 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-5510 for regular communications and 703-746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

Khanh Dinh  
Examiner  
Art Unit 2155

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May 1, 2003

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100